



U.S. Department of Justice
Office of Information Policy
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Washington, DC 20530-0001

Telephone: (202) 514-3642

Emma Best
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60286-41483488@requests.muckrock.com

Re: Appeal No. DOJ-AP-2019-001578
Request No. 1416782-000
SRO:PJA

VIA: Email

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records relating to or mentioning a computer virus case that affected a government computer, as described in a 1989 memorandum.¹ I note that your appeal concerns the FBI's denial of your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, I am affirming, on modified grounds, the FBI's action on your request. A proper FOIA request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A); see also 28 C.F.R. § 16.3(b) (2018). You did not reasonably describe the subject of your request. The 1989 memorandum included with your FOIA request failed to provide sufficient information that would enable the FBI to attempt a search for responsive records. The May 25, 1989 document that you provided did not include any terms with which the FBI's FOIA personnel could conduct a search, such as the names of suspects or of specific computer viruses. You are welcome to make a new request directly to the FBI that includes sufficient information for the FBI to conduct a search.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the actions of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

¹ You clarified on appeal that you are not seeking records regarding Shadow Hawk, but regarding the other investigation referenced by William Sessions in his testimony.

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/30/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL